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SIPDIS

SENSITIVE
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STATE FOR WHA/BSC, WHA/PDA AND DRL
NSC FOR TOMASULO
SOUTHCOM ALSO FOR POLAD
USAID FOR LAC/AA
DOL FOR ILAB

TAGS: [PHUM](#) [PHUM](#) [SOCI](#) [BR](#)
SUBJECT: UN REPORT ACCUSES BRAZIL OF SUPPORTING PRISON TORTURE

REF: (A) 06 SAO PAULO 988; (B) 06 BRASILIA 496;
(C) 06 SAO PAULO 215

SENSITIVE BUT UNCLASSIFIED - PLEASE PROTECT ACCORDINGLY

Summary

11. (SBU) Consistent with Brazil's Annual Human Rights Report, a UN report released on November 23 points out that torture is systemic in Brazilian prisons. The report also blames the GoB for not taking steps to prevent prison abuses and calls for compensation for prison torture victims. The GoB's Special Secretariat on Human Rights disagrees with its content emphasizing that while torture does occur in some prisons, it is not "systematic" in practice. Human rights contacts agree that the UN report is accurate in general terms but stress that the document is outdated on information regarding Sao Paulo State, where, according to some of these experts, prison conditions have improved when compared to 2006 during which prison riots created chaos throughout the state. End Summary.

UN Report

12. (U) A team of UN representatives visited several prisons in Sao Paulo, Brasilia, Rio de Janeiro and the states of Bahia and Para in 2005 to investigate prison conditions in Brazil. Their report concluded that prisoners live in dehumanized conditions in overcrowded cells lacking in basic infrastructure such as beds. According to the report, prison authorities regularly deny inmates access to health care or legal representation. The UN team highlighted that although prison administrators, as well as federal government authorities, are aware of the problem, they have taken little action to improve the situation. (Note: The UN report further implies that the government supports the torture and mistreatment of prisoners in spite of legislation and international norms against such human rights violations. End Note.) The report's list of 16 recommendations for Brazil includes payment of compensation to victims of prison torture, quick investigation of

cases of human rights violations, and punishment of police officers who commit violent acts against prisoners. The document further calls for increased funding on the prison system nationwide because present sub-human conditions in prisons facilitate and stimulate violence and torture.

Government Response

¶3. (U) The GoB denies it supports prison torture and that it is "systematic," stressing that abuses were government policy only during Brazil's military dictatorship. As regards prison conditions, the GoB's Special Secretariat on Human Rights acknowledges that living conditions in most Brazilian prisons are unbearable even though federal legislation prohibits deplorable prison environments and mandates penalties for abusive police officers. The Secretariat claims that the responsibility lies with the states as each state is responsible for its own prison system and should be held accountable for conditions at its prisons. The GoB claims it has taken tough measures to eliminate human rights violations in the prisons but that legislation alone cannot eliminate prison abuse.

Sao Paulo Prisons

¶4. (SBU) Human rights NGO contacts told us that the UN report is accurate in general terms and that in some parts of Brazil, torture remains local policy. Father Gunter Zgubic, coordinator of the Pastoral "Carcerari" (inmates) organization, one of the most important groups working on prison conditions, noted that the Sao Paulo State Government has made a concerted effort to improve prison

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conditions. If true, improvements in Sao Paulo jails would improve the overall prison system in Brazil as almost half of all Brazilian inmates are held in Sao Paulo penitentiaries. As evidence of the improvement of the Sao Paulo prison system, Father Zgubic pointed to the 2005 demolition of the Carandiru penitentiary in the northern part of the city of Sao Paulo - site of Brazil's most notorious post-dictatorship human rights incident in 1992, when military police invaded to break up a prisoners' riot and gunned down 111 inmates (see reftels). According to Father Zgubic, the demolition of this infamous prison illustrates that the Sao Paulo State Government is cognizant of prison conditions and is working to ameliorate them. He added that according to his information, physical torture is rare and that when it does occur, state authorities investigate the allegation and punish perpetrators. However, Father Zgubic ended his discussion by stating that while improvements have been made, there are still areas of concern such as health care and legal assistance for prisoners.

Comment

¶5. (SBU) The UN report is an important document shedding light on a serious human rights issue in Brazil. Just last week, local and international media focused on a story in the small northern town of Abaetetuba in which police allegedly confined a fifteen year old girl to a cell with 20 adult men where she was tortured and raped (septel). The report notes that regardless of the GoB's position on prison torture, there is evidence that it is continuing and increased efforts are needed to eradicate it from the prison system.

USG efforts to improve the prison situation are already in place as part of our broader bilateral relationship. In Sao Paulo, the Sao Paulo State youth corrections system, FEBEM/CASA, recently began an intensive INL-sponsored training program to improve interaction between inmates and corrections officers and upgrade the status of its facilities. Such initiatives can go a long way in taking action on some of the recommendations laid out in the UN's report. End Comment.

¶6. (U) This cable was cleared by Embassy Brasilia.

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